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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Monday 17 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-12982 (E)

The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2000/L.7-L.9)

Draft resolution on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/2000/L.7)

1. Mr. CHOWDHURY (Bangladesh), introducing the draft resolution on behalf of its sponsors, said that the situation in the occupied territories remained unchanged despite the hopes raised by the agreements concluded in the framework of the peace process. Violations of human rights and international law represented major obstacles to peace. Those problems must be resolved if the people of the region were ever to live in peace together. He therefore felt that the draft resolution could be supported by any ordinary citizen of Israel, and he urged the Commission to support it.

2. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Pakistan and the observer for South Africa had become sponsors of the draft resolution.

3. Mr. PELEG (Observer for Israel) said that the draft resolution had been introduced for political purposes and had nothing to do with the human rights issues of concern to the Commission. It was intended to predetermine the outcome of the permanent status negotiations between Israel and the Palestinians, and did no service to that process. All States genuinely interested in human rights in the Middle East should have accepted the approaches made to them suggesting a change in the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967. Some 99 per cent of Palestinians lived under the control of the Palestinian Authority, and the draft resolution therefore referred to a mere 1 per cent of Palestinians living under Israeli control. He urged the members of the Commission to recognize the changes that had taken place in the region since 1999, and to demonstrate their support for the peace process by not supporting the draft resolution.

4. Mr. RAMLAWI (Observer for Palestine) said that, while the observer for Israel had said that the draft resolution was introduced for political purposes, every paragraph of it related in fact to violations of human rights and international law perpetrated by Israel in the Arab territories, which remained occupied by Israel in their entirety. In every paragraph of his report on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2000/25), the Special Rapporteur reaffirmed such human rights violations, and no member of the Commission could be unaware of Israel's conduct in that regard.

5. The peace negotiations covered political, rather than human rights issues, which were the Commission's concern. The Commission could hardly accede to any request to abandon discussion of human rights violations in the occupied Arab territories while such violations continued. All the indications were that the current negotiations were making no progress, largely because of the arrogance of Israel and its intransigence with regard to its continuing occupation of the territories.

6. As for the mandate of the Special Rapporteur, the Commission had reiterated its belief that the mandate must continue until the Israeli occupation ended.

7. The assertion by the observer for Israel that 99 per cent of Palestinians lived under the control of the Palestinian Authority was completely untrue. Israel still occupied all Palestinian territory and had not withdrawn from one inch of land. Land continued to be annexed and the policy of isolating Palestinian communities, making them into Bantustans, continued to be pursued. All the statements in the draft resolution were nothing more than the truth, and he urged the Commission to vote in favour of it, thereby taking steps to alleviate the suffering of the Palestinian people and help the parties to reach a just and lasting peace, which could only come about with the total withdrawal of Israel from the occupied territories.

8. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no programme budget implications.

9. Ms. RUBIN (United States of America), speaking in explanation of vote before the voting, said that her delegation could not support any of the draft resolutions under the agenda item, as it believed that they did nothing to forward the Middle East peace process or human rights in the region. Direct negotiations were the only way towards peace, and the Commission should not try to inject itself into the peace process.

10. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that they were unable to support the draft resolution. They were concerned that the draft resolution contained formulations with regard to the occupied territories that were likely to prejudice the outcome of the final status negotiations being held between Israel and the Palestinians. The Union welcomed the positive developments in the Middle East peace process in 1999, and hoped that, in 2000, it would be possible to achieve a just, lasting and comprehensive peace based on international law and on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978).

11. Serious human rights violations continued in the occupied territories, regardless of the progress achieved in the peace process and the undertakings given by both sides in the interim agreement that they would respect human rights and the rule of law. The Union therefore welcomed the September 1999 decision of the Israeli High Court ruling that the use of moderate physical pressure as an interrogation technique was illegal, and called upon the Government of Israel to implement that ruling. The Union was convinced that any measure that ran counter to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Israel was a party, must be banned forever from the practice of the security forces.

12. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

13. The Republic of the Congo, having been drawn by lot by the Chairman, was called upon to vote first.

In favour:	Bangladesh, Bhutan, Botswana, Brazil, Chile, China, Colombia, Congo, Cuba, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.
Against:	United States of America.
Abstaining:	Argentina, Canada, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland.

14. The draft resolution was adopted by 31 votes to 1, with 19 abstentions.

Draft resolution on human rights in the occupied Syrian Golan (E/CN.4/2000/L.8)

15. Mr. AL-HUSSAMI (Observer for the Syrian Arab Republic), introducing the draft resolution on behalf of its sponsors, the list of which should have included the observer for Lebanon, said that the situation in the occupied Syrian Arab Golan was deteriorating as a result of the Israeli occupation. Syria was fully prepared to resume negotiations if Israel repeated the commitments it had made earlier. He hoped that the European Union would be able to support the draft resolution, which emphasized the importance of the peace process. He requested that the draft resolution be put to a vote.

16. Mrs. IZE-CHARRIN (Secretary of the Commission) said she noted that the observer for Lebanon should have been on the original list of sponsors and that the observer for Palestine had also become a sponsor.

17. Mr. PELEG (Observer for Israel) said that the draft resolution, and the next one to be considered also, dealt with subjects currently being discussed in the peace negotiations. His Government hoped to be able to resume direct negotiations with that of the Syrian Arab Republic soon. The issue of settlements would be discussed within the framework of the permanent status negotiations. The draft resolution was an attempt to predetermine the outcome of those negotiations, and he urged the Commission not to support it.

18. Mr. RAMLAWI (Observer for Palestine) said that the observer for Israel had said that the issue of settlements was subject to negotiations. Those settlements represented, however, violations of human rights and of the fourth Geneva Convention, and constituted a war crime; they must be completely dismantled. That observer's statement in no way reflected the reality of the situation.

19. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no programme budget implications.

20. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia said that they were unable to support the draft resolution as they considered that the language in the text went further than that of other United Nations resolutions on the Syrian Arab Golan. The Union wished to stress that it had been able to support General Assembly resolution 54/80, and would have preferred changes to have been made to the text of the current draft resolution to bring it more into line with that General Assembly resolution, and place a stronger emphasis on human rights questions.

21. At the request of the representative of the United States of America, the vote was taken by roll-call on the draft resolution.

22. Rwanda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Chile, China, Colombia, Congo, Cuba, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Brazil, Canada, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Peru, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland.

23. The draft resolution was adopted by 31 votes to 1, with 19 abstentions.

Draft resolution on Israeli settlements in the Occupied Arab Territories (E/CN.4/2000/L.9)

24. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and its other sponsors, said that Israel had continued to fail to respond to the appeals of the international community on the issue. He expressed particular concern at the continuing Israeli settlement activities, in spite of the Government's moratorium on new construction permits, including the expansion of existing settlements.

25. Settlements were both illegal under international law and damaging for the peace process, since their intention was to prejudge the outcome of the final status negotiations. Israel should refrain from any action likely to create further mistrust and undermine the peace process.

26. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Pakistan and the Sudan and the observers for Australia, Cyprus, Egypt, Jordan, Malta,

New Zealand and Turkey had become sponsors of the draft resolution. The draft resolution had no financial implications.

27. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

28. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, China, Colombia, Congo, Cuba, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Romania.

29. The draft resolution was adopted by 50 votes to 1, with 1 abstention.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued) (E/CN.4/2000/L.17, L.19-L.22 and L.24, E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I, draft decisions 2, 3 and 4)

Draft resolution on the question of the realization in all countries of the economic and social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/2000/L.17)

30. Mr. MUCH (Germany), introducing the draft resolution on behalf of its sponsors, who had been joined by the representatives of Brazil, Canada, Chile, Colombia, Ecuador, France, Guatemala, Madagascar, Morocco, Norway, Senegal and the United Kingdom and the observers for Austria, Belarus, Belgium, Bosnia and Herzegovina, Denmark, Dominican Republic, Honduras, Iceland, Liechtenstein, Mongolia, Nicaragua and South Africa, said that there were a number of changes to be made to the text, as a result of four weeks of open and productive consultations, building on the resolutions of the past.

31. The last preambular paragraph should be replaced by the following text:

"Taking note with interest of ongoing new approaches to the realization of economic, social and cultural rights, and considering that to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional approaches should be examined,"

32. In paragraphs 2 and 8 (b), the words "rights-based" should be deleted.

33. A new paragraph, 5 bis, should be inserted to read:

"Recalls that international cooperation in solving international problems of an economic, social and cultural character, and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights,"

34. In paragraph 6 (b), the following words should be inserted after the words "High Commissioner for Human Rights to invite": "all States, intergovernmental organizations and non-governmental organizations, which have not yet done so, to submit their comments on the report by the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), as well as to invite".

35. Paragraph 6 (c) should be modified to read:

"To appoint, for a period of three years, a Special Rapporteur whose mandate will focus on adequate housing as a component of the right to an adequate standard of living, as reflected in article 25, paragraph 1, of the Universal Declaration on Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the rights to non-discrimination as reflected in article 14 (h) of the Convention on the Elimination of All Forms of Discrimination against Women and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination;"

36. Paragraph 6 (d) should read:

"To request the Special Rapporteur, in the fulfilment of her/his mandate,

(i) to report on the status, throughout the world, of the realization of the rights that are relevant to the mandate, in accordance with the provisions of the relevant instrument, as well as on developments relating to these rights, including on laws, policies and good practices most beneficial to their enjoyment, and on difficulties and obstacles encountered domestically and internationally, taking into account information ", followed by the existing text.

37. In paragraph 6 (d) (ii), the word "appropriate" should be followed by "cooperation among, and", the words "and to develop ... housing rights" being deleted. In

paragraph 6 (d) (iii), the words following "her/his work" should be deleted. In paragraph 6 (d) (iv), the lines from "housing rights" to the end of the paragraph should be replaced by "the rights relevant to the mandate". In paragraph 6 (d) (v), the word "relevant" should be inserted before "advisory services" and "in the field of housing rights" deleted.

38. Paragraph 6 (d) (vi) should read: "To facilitate, where appropriate, the inclusion of issues relating to the mandate within relevant United Nations missions, field presences and national offices,". In paragraph 6 (d) (vii), "her/his" should be replaced by "the". At the end of paragraph 6 (f) the words "and to share her expertise, inter alia through the holding of expert meetings" should be added.

39. There were two new aspects of the draft resolution: in the first place, issues relating to the right to education were contained in a separate chapter, as a first step to the separate draft resolution that the topic richly deserved. Secondly, the establishment of a special rapporteur on the right to adequate housing had been broached. It was hoped that the special rapporteur, whose mandate had been carefully negotiated, would make an important contribution, from the human rights perspective, to fulfilling the aspirations of a billion people to enjoy decent housing.

40. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Congo, Peru, the Philippines and the Russian Federation and the observer for Israel had become sponsors of the draft resolution.

41. Mr. SABHARWAL (India) welcomed the draft resolution as a reaffirmation of support for the indivisibility of economic, social and cultural rights from civil and political rights. A crucial element of the draft resolution was the insistence on international cooperation, which was as important as national action. Any indicators or benchmarks arrived at without an adequate focus on the issue of availability of resources might end as pious wishes.

42. Mrs. IZE-CHARRIN (Secretary of the Commission) said, in connection with the administrative and programme budget implications, that, owing to the sudden illness of the relevant official in New York, the financial implications of the draft resolution - and of three others - had not yet been approved. As soon as a statement was received, probably in the afternoon, it would be circulated to delegations in a photocopied form.

43. The draft resolution, as orally revised, was adopted.

Draft resolution on the right to food (E/CN.4/2000/L.19)

44. Mr. FERNANDEZ PALACIOS (Cuba), introducing the draft resolution, on behalf of its sponsors, who had been joined by the representatives of Canada and Guatemala, said that it was a restatement of the right of all to access to healthy and nutritious food that would enable them to maintain their physical and mental capacities. He hoped that the draft resolution could be adopted without a vote, since it was based on wide consultations and followed the same form as in the previous three years. He had a change to make to paragraph 5, however, which should read:

"Encourages all States to take steps with a view to achieving progressively the full realization of the right to adequate food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy the right to food."

45 In paragraph 9, the last phrase should be reworded to read "inviting experts from all regions to contribute their experiences". It might be, however, that the existing text was infelicitous in Spanish only.

46 Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of France, Niger and Norway and the observers for Belgium, Bulgaria and Sweden had become sponsors of the draft resolution.

47 Mr. MUCH (Germany) noted, with regard to draft paragraph 9, that "from all regions" in the original text referred to the experiences, not the experts.

48 Mr. MENDONÇA E MOURA (Portugal) said that his delegation wished to become a sponsor of the draft resolution.

49 Mrs. IZE-CHARRIN (Secretary of the Commission) said that, as in the case of the previous draft resolution, approval had not yet been received from New York. A statement would be circulated once approval was granted.

50 Mr. McCAMMAN (United States of America), speaking in explanation of vote before the voting, said that his Government played a leading role in advancing internationally recognized human rights. It fully subscribed to the Universal Declaration of Human Rights, including article 25, and to the International Covenant on Economic, Social and Cultural Rights. His delegation was pleased to have been able to join the consensus on draft resolution E/CN.4/2000/L.17.

51 With regard to the draft resolution on the right to food, however, it was in an anomalous position. The United States contributed to global food security by being the world's largest exporter of agricultural commodities and the world's largest donor of food aid. His Government made every possible effort to have policies and programmes aimed at ensuring that people within the United States were free from hunger. It took into account the food security impact of trade and aid decisions and believed that the current process of agricultural trade liberalization was critical for long-term global food security.

52 Yet the mandate of the proposed special rapporteur on food was inconsistent with that of the Special Rapporteur on housing. It was important, in establishing new special rapporteurs, to base their mandates carefully on existing international instruments. Whereas the mandate of the Special Rapporteur on housing did so, that of the proposed special rapporteur on food did not.

53 Moreover, there was an inconsistency in the ways that the two draft resolutions discussed the general comments issued in May 1999 by the Committee on Economic, Social and Cultural Rights. No. 12, for example, reputedly set forth the authoritative definition on the right to food. His delegation could not agree that the definition was authoritative. Draft resolution E/CN.4/2000/L.17 merely took note of general comment No. 12, whereas draft resolution E/CN.4/2000/L.19 welcomed and affirmed it. The comment contained many assertions that his

delegation could not support it took quite a different approach from the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and also stated that there was a violation of the right to food if a State did not provide food to all Furthermore, it allowed a remedy against the State to individuals who believed that their right had been denied

54 For those reasons, his delegation could not support the draft resolution The best route to food security was through sound policies that expanded food production, encouraged economic growth and improved access to food, particularly by reducing protectionist barriers to trade and eliminating policies that raised food prices worldwide His delegation had hoped that the principal sponsors of the draft resolution would negotiate with it, either directly or indirectly, on a consensus text

55 At the request of the representative of Cuba, a vote was taken by roll-call on the draft resolution

56 Argentina, having been drawn by lot by the Chairman, was called upon to vote first

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia

Against: United States of America

Abstaining: Czech Republic, Latvia

57 The draft resolution was adopted by 49 votes to 1, with 2 abstentions

Draft resolution on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN 4/2000/L 20)

58 Mrs de ARMAS GARCIA (Cuba), speaking on behalf of the sponsors, said that consideration of the draft resolution should be postponed pending adoption of the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN 4/2000/112), which recommended that the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and of the independent expert on structural adjustment be merged

59 Consideration of the draft resolution was postponed

Draft resolution on human rights and unilateral coercive measures (E/CN.4/2000/L.21)

60. Mr. NENE (Observer for South Africa), introducing the draft resolution on behalf of its sponsors, drew particular attention to paragraphs 1 and 7.

61. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no programme budget implications.

62. The CHAIRMAN said he noted that the representative of the United States had requested a vote on the draft resolution.

63. At the request of the representative of Cuba, the vote was taken by roll-call.

64. Bhutan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Germany, Japan, Latvia, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, France, Italy, Luxembourg, Portugal, Republic of Korea, Spain.

65. The draft resolution was adopted by 36 votes to 9, with 7 abstentions.

Draft resolution on human rights and extreme poverty (E/CN.4/2000/L.22)

66. Mr. CHARLEMAGNE (France), introducing the draft resolution on behalf of its sponsors, said that the interrelationship between human rights and the eradication of poverty had become a central United Nations concern. Much remained to be done if poverty was to be combated, especially in its most extreme forms. The draft resolution invited the Working Group on the Right to Development to take account of the work of the independent expert on the question of human rights and extreme poverty and renewed the independent expert's mandate. The organization of a seminar to consider the need to develop a draft declaration on extreme poverty was envisaged.

67. There were a number of changes to be made to the text: in paragraph 8 (a), the words "government experts" should be replaced by "representatives of Governments", and the words "experts of" should be inserted before the words "United Nations specialized agencies". The translators should also ensure that non gender-specific French possessive pronouns were rendered as "his or her" in English, for example, in the first and second preambular paragraphs.

68. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Brazil, Ecuador, El Salvador, Indonesia, Niger, Pakistan, Philippines, Republic of Korea, Russian Federation and Sri Lanka, and the observers for Belarus, Bulgaria, Dominican Republic, Eritrea, Greece, Israel, South Africa and Ukraine had become sponsors of the draft resolution.

69. Once information on the administrative and programme budget implications of the draft resolution became available, it would be circulated to delegations.

70. Ms. RUBIN (United States of America), speaking in explanation of position, said that her delegation was pleased to join the consensus on the draft resolution. Well aware of the terrible effects of extreme poverty on individual and national growth, her Government had long been involved in international efforts to address that major impediment to human development. Her delegation welcomed the work of the independent expert, which was both thoughtful and constructive.

71. It had reservations, however, regarding paragraph 8, which requested the organization of a seminar to examine, and, presumably, to begin drafting, a declaration on extreme poverty. Such a declaration would simply duplicate the Programme of Action of the World Summit for Social Development. Efforts should be concentrated on implementing that Programme, rather than on creating a new mechanism.

72. Some delegations continued to suggest - contrary to the spirit of the World Conference on Human Rights - that extreme poverty could somehow justify neglecting human rights, or delaying implementation of their commitments to fundamental freedoms. In actual fact, the protection and promotion of human rights was an essential component of any poverty eradication strategy.

73. The draft resolution was adopted.

Draft resolution on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing (E/CN.4/2000/L.24)

74. Ms. PÉREZ DUARTE Y NOROÑA (Mexico), introducing the draft resolution on behalf of its sponsors, drew particular attention to the fifth preambular paragraph and to paragraph 12. The draft resolution was intended to further the "postponed" goals of the major world conferences and to serve as a basis for "Beijing Plus Five".

75. The various language versions should be checked to ensure that nuances were properly reflected in translation. In the penultimate preambular paragraph, for example, the word "own" had, in her view, been inadequately rendered into French.

76. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Bangladesh, India, United Kingdom, United States of America and Zambia, and the observers

for Belgium, Congo, the Dominican Republic, Ecuador, Finland, Ireland, Israel, Kenya, Morocco, Senegal, Uruguay and Zimbabwe had become sponsors of the draft resolution. There were no programme budget implications.

77. The draft resolution was adopted.

Sub-Commission draft decision 2 (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

78. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft decision had no programme budget implications.

79. The draft decision was adopted.

Sub-Commission draft decision 3 (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

80. Ms. GLOVER (United Kingdom) said that consideration of the draft decision should be postponed, since some delegations had assumed that it would be taken up under agenda item 17.

81. It was so agreed.

Sub-Commission draft decision 4 (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chapter I)

82. Mrs. IZE-CHARRIN (Secretary of the Commission) said that information on the programme budgetary implication of the draft decision would be circulated in due course.

83. Mr. DENNIS (United States) requested that consideration of the draft decision be postponed until such information were available.

84. It was so agreed.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2000/89-96, 97 and Add.1, 121 and 145; E/CN.4/2000/NGO/7, 17, 23, 97, 107, 110, 121, 130-132, 134, 135 and 144; E/CN.4/1999/112 and Add.1; E/CN.4/Sub.2/1999/28 and Corr.1; E/CN.4/1998/84 and Add.1; E/CN.4/1997/105)

85. Mr. LEGWAILA (Botswana) said that the human rights and fundamental freedoms of all citizens were guaranteed under the Constitution of Botswana, including those of human rights

defenders, whether individuals or groups. The country boasted a vibrant civil society, which was free to monitor and criticize the activities of the Government. No human rights defenders had ever been harmed in any way in Botswana.

86. The death penalty was reserved for the most serious crimes, such as murder, treason or attempts to overthrow the Government. In all cases, extenuating circumstances were taken into account.

87. The death penalty would almost certainly be imposed for ritual murder. By law, it could not be passed on those aged under 18 at the time of the offence, pregnant women or the insane. The final decision on whether it should be carried out lay with the executive, which was obliged to seek the advice of the Committee on the Prerogative of Mercy on whether there were grounds for clemency.

88. His Government believed that those who intentionally took away innocent lives for their own benefit had no right in a caring society to claim that they themselves should live. However, the checks and balances in place ensured that the death penalty would be used only in cases where it was well deserved.

89. Ms. ROTH (Germany) said that, for the German Parliament, ending the practice of the death penalty in every country of the world was a policy relating to the most basic of all human rights, the right to life. No State had the right to decide that a particular human being was unworthy of life, whatever crimes he or she might have committed.

90. The death penalty, if carried out, was irrevocable, yet miscarriages of justice could never be excluded, even in democracies subject to the rule of law. In addition, recent findings had shown that the existence of the death penalty worked to the disadvantage of minorities, members of which tended to be more readily sentenced to death than those of other groups. One way of reducing the risks would be gradually to restrict the number of offences for which the death penalty could be imposed. Only abolition, however, could ensure full respect for the right to life.

91. Turning to the protection of human rights defenders, she said her delegation fully supported the statement on behalf of the European Union. Human rights defenders were increasingly being subjected to violations of their economic, social and cultural rights, particularly where it was deemed inappropriate to use less subtle tools of persecution that infringed their civil and political rights.

92. With regard to monitoring the implementation of the Declaration on human rights defenders, it was sometimes argued that the Commission's existing machinery was adequate to address violations of human rights defenders' own human rights. However, those mechanisms did not cover all the human rights issues at stake, either in geographical or thematic terms. Violations of the freedom of assembly and movement and the freedom to choose and exercise their profession were still terrifying realities to many human rights defenders in many countries. Adoption of the Declaration had taken long enough, but without a monitoring mechanism, it was a paper tiger. It was time to ensure its effective implementation by adopting the draft resolution that was before the Commission.

93. Mr. SKOGMO (Norway) said that his delegation had submitted a draft resolution requesting the Secretary-General to appoint a special representative to advise Governments, monitor the implementation of the Declaration on human rights defenders and seek and receive information on the situation of human rights defenders worldwide. There was strong support for such a mechanism.

94. A specific mandate was the best way to address the issue, because the existing thematic mandates did not cover all rights and the existing country mechanisms did not cover all countries. In addition, lack of resources would make it impossible to provide a comprehensive review of the situation of human rights defenders within the existing mechanisms. The appointment of a special representative was appropriate where the emphasis was on cooperation and dialogue with Governments and it was necessary to cooperate with other United Nations agencies; it would also signal the importance of the issue, even though the mandate would remain under the Commission's control.

95. Although there were no appropriate models, there was a strong feeling that the mandate should be a broad, general one. Some concerns had been expressed, however, over the proliferation of mandates, the problem of overlap and the risk of overstretching the secretariat support system. Such concerns were legitimate, but the Commission must be responsive to human rights imperatives. By focusing attention and formulating recommendations, such mechanisms had the potential to bring about important improvements.

96. Mr. GUEYE (Senegal) said that human rights defenders had an extremely important role to play in protecting prisoners, preventing child labour and other forms of exploitation, ensuring that citizens' rights were respected and reminding States of their responsibilities. States were also bound to support them in their work. States and human rights defenders had to find ways of working together in partnership towards a common goal.

97. Human rights should not be considered from the perspective of absolute sovereignty or of political expediency. Only by strengthening cooperation among the various actors - States, intergovernmental and non-governmental organizations (NGOs) and committed individuals - would it be possible to guarantee every man, woman and child the respect due to his or her dignity and all his or her fundamental rights.

98. Human rights defenders had a right to monitor States' fulfilment of their international commitments, but they also had a duty to prepare concise, accurate and objective reports that contributed to constructive debate and action.

99. In Senegal, human rights defenders had always been the subject of lively interest on the part of the authorities and his delegation wholeheartedly supported the idea of establishing a special mechanism to monitor implementation of the Declaration on human rights defenders.

100. Mr. GARCIA GONZALEZ (El Salvador) said that, for a country such as his own, emerging from years of civil war, the complex transition towards full democracy demanded political, cultural, educational, socio-economic and institutional restructuring, in order to achieve the integrated society that alone could form the basis for stability, peace and development. Against that background, and in the International Year for the Culture of Peace, 2000,

El Salvador's participation in the UNESCO programme "Towards a Culture of Peace" was highly relevant to Salvadorans' vision of the future in a country of which they could be proud.

101. The Culture of Peace programme had strong backing from many institutions and both governmental and non-governmental organizations. It had been incorporated into the 1999-2004 government plan, which also included a number of strategic crime-prevention actions. A Festival for Peace had been held every year since 1996, to enable Salvadorans to reflect on and celebrate the peace process in the country and exchange experience with other countries. The theme of the next Festival would be reconciliation, dealing with issues of the isolation or incomplete social integration of groups such as deportees and persons with disabilities.

102. El Salvador had proclaimed the year 2000 National Year for the Culture of Peace and undertaken to prepare and implement a national plan of action on the Culture of Peace, with the involvement of government departments and institutions and NGOs; his Government was also committed to the promotion and implementation of the Programme of Action on a Culture of Peace, adopted in 1999 by the United Nations General Assembly, in its resolution 53/243.

The meeting rose at 1 p.m.